



235 Massachusetts Ave, NE
Washington, DC 20002

August 17, 2006

2006 AUG 23 A 8:51

FEDERAL
OFFICE
COUNCIL
JUDICIAL

Lawrence H. Norton
General Counsel
Federal Elections Commission
999 "E" Street, NW
Washington, DC 20463

MUR # 5799

RE: Federal Elections Complaint

Dear Mr. Norton,

This letter is intended to notify the Federal Elections Commission of an apparent violation of federal law by Senator John McCain and to initiate a formal complaint. In brief, I believe based on the evidence outlined below and attached, that Senator McCain has engaged in a solicitation of soft money in violation of the Bipartisan Campaign Reform Act of 2002.

As outlined below, Senator McCain appeared on a fundraising invitation that solicited contributions that were not allowed by BCRA. As the Commission has previously ruled, federal officeholders may not solicit contributions for state candidates that exceed federal limits contained in BCRA. Furthermore, while a disclaimer on a separate solicitation said that contributions over \$2100 were not being solicited, it continued to say that the maximum contribution allowed by South Carolina law was \$3500, leaving donors to conclude that contributions over federal limits were being solicited using the name of a federal officeholder.

FACTS:

1. On August 15, 2006 National Journal (in its online "Hotline on Call" blog) published an invitation to a reception for a South Carolina Adjutant General Stan Spears that featured Sen. McCain as a "special guest." According to the reports the invitation had been mailed to the public to solicit attendance and contributions to Spears' reelection campaign to the South Carolina state office of Adjutant General.
2. The invitation contains language which says "Minimum Donation requested \$100."

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3. The invitation does not say that contributions are being solicited only up to amounts legal under BCRA or are only being solicited from sources that may contribute under BCRA.
4. The invitation contains a disclaimer saying that members of the National Guard and lobbyists should disregard the invitation as candidates for Adjutant General may not solicit contributions from National Guard members. It also says that members of the Guard may voluntarily contribute. This disclaimer says nothing about the solicitation from sources or in amounts barred by BCRA.
5. On August 16, 2006 a number of websites published an RSVP card that they say was obtained from the Spears campaign. According to these blogs the card accompanied the initial invitation/solicitation.
6. This card contained language which repeated the minimum donation language in the invitation saying, "(\$100 minimum per couple)."
7. The card also contained a disclaimer which said:

"Contributions to Spears for Adjutant General are not tax deductible for federal income tax purposes. The solicitation of funds is being made only by Spears for Adjutant General. We are honored to have Senator McCain as our Special Guest for this event. In accordance with federal law, Senator McCain is not soliciting individual contributions in excess of \$2,100 per person, nor is he soliciting corporate, labor union, or foreign national contributions. South Carolina state law allows campaign contributions of up to \$3,500 per election cycle. Registered lobbyists please disregard. PAID FOR BY SPEARS FOR ADJUTANT GENERAL. PLEASE RETURN IN ENCLOSED ENVELOPE."

ALLEGATIONS:

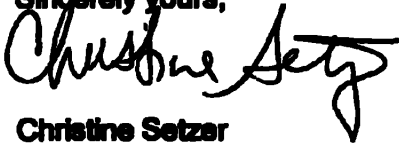
1. By asking for unlimited contributions of \$100, the invitation to the Spears event constituted a solicitation of impermissible amounts under BCRA by Senator John McCain, a federal officeholder.
2. By limiting the restricted sources only to lobbyists and National Guard members, the Spears invitation was a solicitation of money from corporate and other impermissible sources under BCRA by Senator John McCain, a federal officeholder.
3. The RSVP card constitutes a separate solicitation that also violates BCRA. It again asks for a minimum of \$100. It says that the maximum contribution under South Carolina law is \$3,500, well above the \$2100 maximum allowed by BCRA. This also was a solicitation of funds above the federal limits by Senator John McCain, a federal officeholder.

Please find attached to this complaint a copy of the invitation and the RSVP card, both of which can be obtained from the Spears campaign or from pro-McCain websites located at :

<http://blog.alabamaformccain.com/?p=29>

I look forward to seeing these facts and allegations investigated and pursued by the FEC. If you wish to contact me about this complaint, I can be reached at _____
Thank you for your attention to this matter.

Sincerely yours,



Christine Setzer
Senate Majority Project

Exhibits Attached

Subscribed and sworn to me this 1st th day of August, 2006

Notary Public



My Commission expires April 14th, 2006

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**You are cordially invited
to attend a private reception**

**honoring
Adjutant General Stan Spears**

**with special guest
United States Senator John McCain**

and

**South Carolina Attorney General Henry McMaster
House Judiciary Committee Chairman Jim Harrison**

**Thursday, August 17, 2006
6:30 p.m.**

**Columbia Chamber of Commerce Building
930 Richland Street
Columbia, South Carolina**

This invitation was not intended for National Guard members or registered lobbyists. Accordingly, if you are a Guard member or lobbyist, please disregard this invitation. A candidate for Adjutant General may not solicit contributions from Guard members or registered lobbyists. However, Guard members may voluntarily contribute to an Adjutant General candidate. This invitation was not mailed or distributed as government expense. Paid for by Stan Spears for Adjutant General.

Business casual

Minimum donation requested \$100

For more information, call Cindy Culbreth (803) 252-3300

. authorized and paid for by Spears for Adjutant General.

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Adjutant General Stan Spears Reception

☐ Yes, I will attend the reception in honor of Adjutant General Stan Spears on August 17. My contribution, payable to Spears for Adjutant General, in the amount of \$_____ is enclosed. (\$100 minimum per couple)

☐ I will be unable to attend the event. However, I would like to participate and my contribution, payable to Spears for Adjutant General, is enclosed in the following amount:

☐ \$1,000 ☐ \$500 ☐ \$250 ☐ \$100 ☐ Other \$_____

CONTRIBUTION OPTIONS: ☐ Check Enclosed ☐ Credit Card Information Below

Name: _____ Telephone: _____

Address: _____

City, State, Zip: _____

Occupation: _____ Bank: _____

Name on Card: _____ Card Type: _____

Card #: _____ Exp. Date: _____

Contributions to Spears for Adjutant General are not tax deductible for federal income tax purposes. The collection of funds is being made only by Spears for Adjutant General. We are honored to have Senator McClellan as our Special Guest for this event. In accordance with federal law, Senator McClellan is not soliciting individual contributions in excess of \$2,100 per person, nor is he soliciting corporate, labor union, or foreign national contributions. Send Cardman one per above campaign contributions of up to \$1,500 per election cycle. Requested tabbies please designat.

MAIL ROOM BY AIRMAIL FOR ADDITIONAL GENERAL. PLEASE RETURN TO BRICKLAND BUREAU

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